

A.G. Contract No. KR00-0327TRN
ECS File: JPA 00-17
TRACS No.: H 4939 01C
Project: SR 85 (17th Avenue) Improvements
Section: Buchanan St. - Van Buren St.
*Turn-back of SR 85 (17th Avenue) from
Buchanan St. to Van Buren St.
and Van Buren St. from 17th - 15th Aves.*

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX

94319.11

THIS AGREEMENT is entered into 13 June, 2001, pursuant to Arizona Revised Statutes, Sections and 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "ADOT") and the CITY OF PHOENIX, acting by and through its CITY MANAGER (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the ADOT.

2. The City is empowered by Chapter II, Section 2.i. of the City Charter to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The State and the City desire to fund and construct pedestrian improvements along 17th Avenue (old SR 85) from Buchanan Street to Van Buren Street within the City limits, to include but not limited to: traffic calming; roadway lighting; traffic signals; pedestrian lights; landscaping and irrigation. The estimated cost of said improvements are \$1,900,000.00 at the State's expense, which includes reimbursement to the City for materials and installation of traffic signals, in an amount not to exceed \$220,000.00. In addition the State intends to abandon jurisdiction of portions of 17th Avenue (old SR 85), between Buchanan Street to Van Buren Street to the City, upon completion of improvements. The purpose of this agreement is to establish each party's responsibilities.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 24690
Filed with the Secretary of State
Date Filed: 06/13/01

Betsy Boyles
Secretary of State

Vicky D. Grannwald

II. SCOPE OF WORK

1. The State will:

a. Provide design plans, specifications and other such documents and services required for construction of the improvements to include but not limited to: traffic calming; roadway lighting; traffic signals; pedestrian lights; landscaping and irrigation. Incorporate City's review comments as appropriate.

b. Be responsible for funding, designing and constructing the improvements with the exception to the design of any above ground traffic signal work, (City to provide). Coordinate with the City, for the review and clearance of the traffic control plans.

c. Provide at the State's expense, two additional capitol series street light poles, complete with base, poles, mast arms and other fittings, to be used as replacements if originals are damaged. Additionally, the State will provide a complete catalog description of the street lights including manufacturer, product numbers, size, color and other product information to the City for their records.

d. Call for bids, award one or more construction contract(s) for the improvements, administer same and make all payments to the contractor. Estimated cost of the improvements are \$1,900,000.00 which includes payment to the City of up to an amount not to exceed \$220,000.00 for equipment and labor to effectively install traffic signals in accordance with the construction documents. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the State.

e. Reimburse the City for the actual cost of materials, equipment and labor required to effect an operational installation of traffic signals in accordance with the construction documents of up to an amount not to exceed \$220,000.

f. Upon completion, approve and accept the Project on behalf of the parties hereto. Upon approval of the State Transportation Board, (by resolution), abandon jurisdiction and maintenance responsibilities of 17th Avenue (old SR 85) to the City from Buchanan Street to Van Buren Street at the following locations:

- Van Buren from 17th Avenue to 15th Avenue
- 17th Avenue from Van Buren South to the R.R. underpass
Madison Street 17th Ave. to 16th Avenue
- Washington Street and the Washington/Jefferson connector street:
(15th Avenue to Jefferson at 16th Avenue)

2. The City will:

a. Review design plans, specifications and other such documents and services required for construction of the improvements and provide comments to the State as appropriate.

b. Furnish at the City's expense, the design plans, specifications and other such documents and services required for construction of all above ground traffic signal work.

c. Coordinate with the project contractor and construction engineer to install the above ground portion of the traffic signal work. Maintain traffic signals upon completion of improvements.

d. Coordinate with the State, for the review and clearance of the traffic control plans. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the City.

e. Furnish an invoice to the State for the actual labor, equipment and material costs associated with the activities identified in II.1.d. above, of up to an amount not to exceed \$220,000.00.

f. Upon completion of the improvements and upon approval by resolution of the State Transportation Board, accept jurisdiction and maintenance responsibility for 17th Avenue (old SR 85) in the City, from Buchanan to Van Buren Street at the locations listed in II.1.f. Waive the four year advanced notification requirements of the Arizona Revised Statute 28-7209.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said improvements and abandonment; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the State's construction of said improvements, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17th Avenue, Mail Drop 616E
Phoenix, AZ 85007


City of Phoenix
Street Transportation Department
200 West Washington, 5th Floor
Phoenix, AZ. 85003-1611

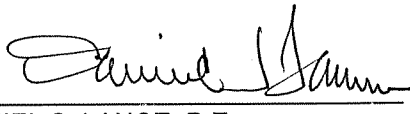
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

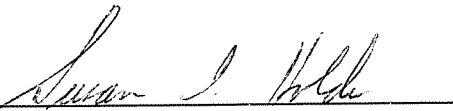
CITY OF PHOENIX, a Municipal Corporation
Frank Fairbanks, City Manager

STATE OF ARIZONA
Department of Transportation

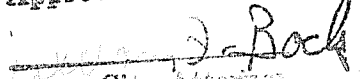
By 
THOMAS E. CALLOW, P.E.
~~Interim~~ Street Transportation Director

By 
DANIEL S. LANCE, P.E.
Deputy State Engineer

ATTEST

By 

ACTING City Clerk

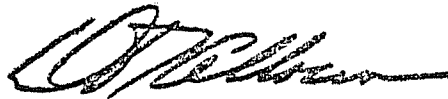
Approved as to form

ACTING City Attorney

00-017.doc
24Apr2000
04May2000
Reprinted 24Apr2001

RESOLUTION

BE IT RESOLVED on this 28th day of February 2000, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Phoenix for the purpose of defining responsibilities associated with the improvements of SR 85 (17th Avenue) from Buchanan Street to Van Buren Street and Van Buren Street from 17th Avenue to 15th Avenue, and upon completion, the turn-back of SR 85 to the City of Phoenix.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', written over a horizontal line.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group

for MARY E. PETERS, Director

**CITY OF PHOENIX
REQUEST FOR COUNCIL ACTION**

T:\DATA\Judi TRCA\920-4STS.DOC

Complete this form per O.P. 1.906 and A.R. 4.11.

Refer to the City Council Agenda Process Reference Guide for Assistance

ACTION REQUESTED	Formal Action:	OR	Legal Document:
	Bid Award <input type="checkbox"/>		Ordinance <input checked="" type="checkbox"/>
	License Application <input type="checkbox"/>		Resolution <input type="checkbox"/>
	Public Hearing <input type="checkbox"/>		Emergency Clause? <input type="checkbox"/>
	Other <input type="checkbox"/>		(for use only w/ord. or res. requests)
IMPACTED DISTRICT(S)	DISTRICT 8		ADDITIONAL BACKUP MATERIAL SENT UNDER SEPARATE COVER? <input type="checkbox"/>
SUBJECT	REQUEST AUTHORIZATION TO ENTER INTO AN IGA WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION		
REQUESTED AGENDA DATE	9/20/2000	PREPARED BY	Name: John R. Siefert, P.E. Department: Street Transportation Dept. Phone: 262-1650
APPROVALS	Division Head:	J. Donald Herp, P.E.	If prepared for another department: Department Name: Approval:
	Department Head:	Thomas E. Callow, P.E.	
BID AWARD INFORMATION	Bid Surety Required? <input type="checkbox"/>	Performance Surety Required <input type="checkbox"/>	
	Submitted by Low Bidder? <input type="checkbox"/>	Amount? _____	
CONTRACT INFORMATION	Contract Required? <input type="checkbox"/>	Requisition No. _____	
	Contract Amendment? <input type="checkbox"/>		
	If Yes, Current Contract No. _____		
	Approved by: Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Formal Action <input type="checkbox"/>	on Date: _____	
BUDGET INFORMATION	\$ 0.00	To Be Encumbered? <input type="checkbox"/>	
	Source of Funds: _____	Fiscal Year? _____	
	Capital Construction Fund		
	Fund Center(s) (SAP-FM): ST89340106-C Commitment Item(s) (SAP-FM): 51035		
CITY MANAGER'S OFFICE	Approved by Jack Tevlin 9/13/00		CM Control No. 47
CITY CLERK DEPARTMENT	Council Action Taken: Adopted		
	Ordinance Number: S-27523	RCA No.	32803
	Resolution Number:	Contract No.	94319
	Comments:	Meeting Date	9/20/2000
		Item No.	47

ITEM

DISTRICT 8

**REQUEST AUTHORIZATION
TO ENTER INTO AN IGA WITH
THE ARIZONA DEPARTMENT
OF TRANSPORTATION**

Request to authorize the City Manager or his designee to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation to construct the pedestrian improvements along 17th Avenue from Buchanan Street to Van Buren Street.

This project includes traffic calming, roadway lighting, traffic signals, pedestrian lighting, landscaping, and irrigation. The estimated cost of said improvements is \$1,900,000 at the State's expense, which includes reimbursement to the City for materials and installation of traffic signals, in the amount not to exceed \$220,000. In addition, the State intends to abandon jurisdiction of portions of 17th Avenue between Buchanan Street and Van Buren Street to the City, upon completion of improvements.

Citizen Notification

Citizen notification was not necessary for this project.

F:\SEC_SVCS\TEC\RCA\RCA00072.DOC

ORDINANCE NO. S-27523

AN ORDINANCE AUTHORIZING THE CITY MANAGER
TO ENTER INTO AN INTERGOVERNMENTAL
AGREEMENT WITH THE ARIZONA DEPARTMENT OF
TRANSPORTATION TO CONSTRUCT PEDESTRIAN
IMPROVEMENTS ALONG SEVENTEENTH AVENUE
FROM BUCHANAN STREET TO VAN BUREN STREET.

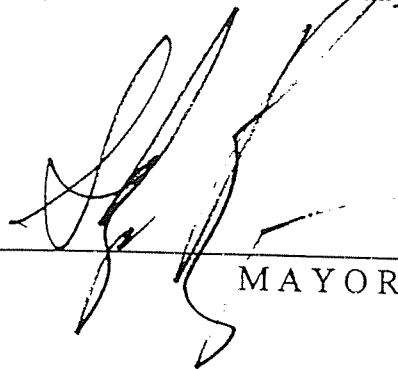
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as
follows:

SECTION 1. The City Manager is authorized to enter into an
intergovernmental agreement with the Arizona Department of Transportation to construct
pedestrian improvements along Seventeenth Avenue from Buchanan Street to Van Buren
Street.

///


///

PASSED by the Council of the City of Phoenix this 20th day of September,
2000.



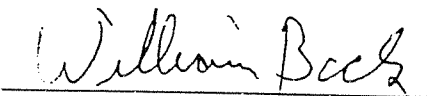
MAYOR

ATTEST:



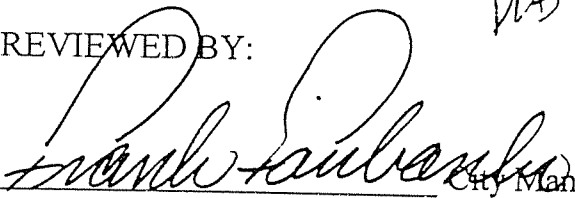
ACTING
City Clerk

APPROVED AS TO FORM:



ACTING
City Attorney
DLB

REVIEWED BY:



City Manager

**CITY OF PHOENIX
REQUEST FOR COUNCIL ACTION**

Complete this form per O.P. 1.906 and A.R. 4.11.
Refer to the City Council Agenda Process Reference Guide for Assistance

ACTION REQUESTED	Formal Action:	OR	Legal Document:
	Bid Award <input type="checkbox"/> License Application <input type="checkbox"/> Public Hearing <input type="checkbox"/> Other <input type="checkbox"/>		Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Emergency Clause? <input type="checkbox"/> (for use only w/ord. or res. requests)
IMPACTED DISTRICT(S)	DISTRICT 8		ADDITIONAL BACKUP MATERIAL SENT UNDER SEPARATE COVER? <input type="checkbox"/>
SUBJECT	REQUEST AUTHORIZATION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA <i>Dept of Transportation</i>		
REQUESTED AGENDA DATE	9/20/2000	PREPARED BY	Name <u>John R. Siefert, P.E</u> Department <u>Street Transportation Dept.</u> Phone <u>262-1650</u>
APPROVALS	Division Head:	<i>Thomas E. Calton</i>	If prepared for another department: Department Name:
	Department Head:		Approval:
BID AWARD INFORMATION	Bid Surety Required? <input type="checkbox"/>	Performance Surety Required <input type="checkbox"/>	
	Submitted by Low Bidder? <input type="checkbox"/> Contract Required? <input type="checkbox"/>	Amount? _____ Requisition No. _____	
CONTRACT INFORMATION	Contract Amendment? <input type="checkbox"/>		
	If Yes, Current Contract No. _____ Approved by: Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> on Date: _____ Formal Action <input type="checkbox"/>		
BUDGET INFORMATION	<i>Added 9/16/00</i> \$ 0.00		To Be Encumbered? <input type="checkbox"/>
	Source of Funds: _____		Fiscal Year? _____
	Fund Center(s) (SAP-FM): <u>Capital Construction Fund</u> <u>5789340106-C</u> Commitment Item(s) (SAP-FM): <u>510135</u>		

JPA 00-17

APPROVAL OF THE CITY OF PHOENIX ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF PHOENIX and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this _____ day of _____, 2001.

William D. Bock

ACTING City Attorney
DLB



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ. 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

TRN Main: (602) 542-1680
Direct: (602) 542-8855
Fax: (602) 542-3646

MAIN PHONE: (602) 542-5025
FACSIMILE: (602) 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR00-0327TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED June 1, 2001.

JANET NAPOLITANO
Attorney General

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:ggt

Enc.

686162